

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE MR JUSTICE S. ANANDA REDDY

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W.A. No.1540 OF 2005

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DATE: 31-08-2005

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Between:

Vasireddy Jayaprasad S/o. V. Seetaramaiah,
aged 59 years, Occ: Agriculture,
R/o. Dange-nagar, Nambur,
Peda-kakani Mandal, Guntur District. .. Appellant

AND

Machavarapu Sivaramakrishna
S/o. M. Venkateswarlu, aged 40 years,
Occ: Washerman, R/o. Namburu village,
Pedakakani Mandal, Guntur District
& 8 others .. Respondents

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

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JUDGMENT: (Per Hon'ble Mr. Justice B. Sudershan Reddy)

We have heard Sri B. Vijaysen Reddy, learned counsel for the appellant, as well as the learned Government Pleader for Revenue and Sri B. Nagi Reddy, learned counsel appearing on behalf of the respondents/writ petitioners.

Learned single Judge disposed of the writ petition at the stage of admission directing the official respondents to consider the representation, dated 17-03-2005, purported to have been made by the writ petitioners and pass appropriate orders duly taking the observation made by the trial Court while disposing of the suit in O.S. No.3 of 1993 in to consideration.

The case of the writ petitioners before the learned single Judge was that the official respondents did not deliver the possession of an extent of 03 cents of land in

Survey No.222/3 of Nambur village, Peddakakani Mandal, Guntur District during the year 1991 in pursuance of the pattas granted to them. It was also their case that the appellant herein entered into their sites without having any manner of right, title, interest or claim and removed their thatched houses.

In this appeal, Sri B. Vijaysen Reddy, learned counsel for the appellant, submits that such an order resulting in far reaching consequences, sofar as the appellant is concerned, could not have passed without impleading the appellant herein as a party respondent to the writ petition. It is also submitted that the appellant is the true and absolute owner of the land in respect of which no patta could have been granted. The appellant apprehends that pursuant to the order passed by the learned single Judge, he may be dispossessed from the land in

question.

In our considered opinion, the order passed by the learned single Judge is an innocuous one, which merely directed the official respondents to consider the representation of the writ petitioners, in accordance with law. The representation made by the writ petitioners could as well be considered even in the absence of the directions of this Court. There is no reason to apprehend that the appellant would be dispossessed under the guise of the impugned order passed by this Court.

For the aforesaid reasons, the writ appeal is disposed of directing the official respondents to consider the representation made by the writ petitioners, dated 17-03-2005, in accordance with law, but only after giving notice to both the writ petitioners as well as the appellant herein. The representation, if any, made by the appellant herein shall also be considered for which purposes the writ petitioners shall be put on notice.

It shall be open to the appellant to raise all the contentions and objections and oppose the representation made by the writ petitioners including the grounds and the contentions raised in this writ appeal. The official respondents shall pass speaking order. This order shall not preclude the appellant from questioning the very grant of pattas, if any, granted by the authorities to the writ petitioners, in which event, the same may have to be decided on its own merits.

The Writ Appeal is accordingly disposed of without any order as to costs.

B. SUDERSHAN REDDY, J

Date:31-08-2005.

S. ANANDA REDDY, J

PV